

REMARKS

I. Formal Matters.

Subsequent to entry of the foregoing amendments, claims 1-50 are currently pending in this application.

Applicant thanks the Examiner for approving the drawings as filed with the application papers on October 22, 2001. In addition, Applicant appreciates the Examiner's acknowledgment of the claim to priority under 35 U.S.C. §119 and confirmation of receipt of a certified copy of Applicant's foreign priority document. Furthermore, Applicant thanks the Examiner for considering the references cited via the Information Disclosure Statements filed on January 22, 2002, and July 9, 2004, as evidenced by her return of initialled Forms PTO/SB/08 to the office of the undersigned.

II. Claims.

The Examiner rejects claims 40-47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Specifically, the Examiner asserts that it is unclear how a computer data signal embodied in a carrier wave represents a sequence of instructions. Applicant asserts that amended claims comply with 35 U.S.C. §112, second paragraph. For example, Claim 40 is amended as follows, "A computer ~~data~~ signal, embodied in a carrier wave and representing a sequence of instructions, which is executed by a an output control computer . .

. ” (claim 40). An analogous amendment is made to claim 60. In turn, withdrawal of the rejection of claims 40 and 46 as being rejected under 35 U.S.C. §112, second paragraph is respectfully requested and asserted as being in order.

In turn, withdrawal of the rejection of claims 41-45 and 47 as depending from a claim rejected under 35 U.S.C. §112, second paragraph, is deemed proper and respectfully requested.

The Examiner rejects claims 1-4, 6-11, 18-21, 23-28, 32-35, 37-43 and 45-47 as allegedly being unpatentable over *Inoue, et al.* (U.S. Patent No. 6,539,468) (“*Inoue*”) and further in view of *Kim, et al.* (EP 96 306 507.3 (“*Kim*”) under 35 U.S.C. §103(a). Applicant respectfully traverses this rejection in view of the following remarks.

Claim 1 requires control information to be generated after a recorded state, and once it is generated and exists, it is multiplexed with the recording information (Claim 1).

In contrast, *Inoue* teaches that the copying control information 30 is multiplexed within the information which is recorded on the ROM disk 102. Thus, *Inoue* fails to teach generating copying control data after a recorded state and multiplexing the and recorded information (*Inoue* col. 4 lines 15-20). Secondary reference *Kim* fails to cure the deficiencies of *Inoue*. Neither *Inoue* nor *Kim*, alone or in combination teach or suggest generating copying control data after a recorded state. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Independent claims 7, 9, 10, 18, 24, 26, 27, 32, 38, 40, and 46 contain subject matter analogous to that discussed above in conjunction with claim 1. Therefore, these claims are patentable for analogous reasons.

Dependent claims 2, 3, 4, 6, 8, 15, 11, 19, 20, 21, 23, 25, 28, 33, 34, 25, 39, 41, 42, 43, 45, and 47 are patentable at least by virtue of their dependence upon one of the independent claims above.

The Examiner rejects claims 5, 17, 22, 36 and 44 as allegedly being unpatentable over *Inoue* and *Kim* as applied to claims 4, 16, 21, 35 and 43 above, and further in view of *Manabu, et al.* (U.S. Patent No. 6,453,304) ("*Manabu*") under 35 U.S.C. §103(a). Since *Manabu* does not cure the deficient teachings of *Inoue* and *Kim* with respect to the features discussed above, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency.

The Examiner rejects claims 12-14 and 29-31 as allegedly being unpatentable over *Inoue* and *Kim* as applied to claims 10 and 27 above, and further in view of *Nissl, et al.* (U.S. Patent No. 6,530,023) ("*Nissl*") under 35 U.S.C. §103(a). Since *Nissl* does not cure the deficient teachings of *Inoue* and *Kim* with respect to the features discussed above, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency.

New claims 48 -50 are believed to be patentable at least by virtue of their dependency.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, she is kindly requested to contact the undersigned at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 09/982,818

ART UNIT 2133
Q66841

The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

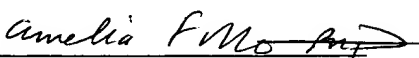
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Amelia F. Morani, Ph.D.
Registration No. 52,049

Date: July 27, 2005